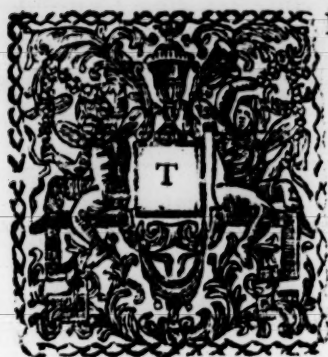


Edinburgh Town Council 2/11
**EDINBURGH, first May One thousand six
hundred and seventy four Years.**



THE WHICH DAY, the Lord Provost, Baillies, Council, and Deacons of Crafts, being convened in Council, together with many of the old Magistrates, and Deacons, who were all warned personally, to the effect and for the special affair aftermentioned, and calling upon the LORD for a blessing to their endeavours, taking to their serious consideration, THAT FORASMUCHAS the Good Town of *Edinburgh* being the chief and capital city of the kingdom, and the place and seat where his Majesty's Parliaments and the Secret Council, and the supreme courts and ordinary jurisdictions criminal and civil, do sit and are holden; and, upon that occasion, the Estates of Parliament, Nobility and Gentry, and other subjects, from all corners of the kingdom, must and do frequently repair and do stay there for doing their affairs, and strangers from other kingdoms, upon occasion of trade at *Leith*, do come and repair to the said Town: LIKEAS, not only the public records and registers of the whole kingdom are kept, but the rights, securities and writs of his Majesty's subjects, of whatsoever quality, within the kingdom, concerning their lands and other estates and interests of greatest importance, are brought, left and kept in the said Town, in the Chambers, or in the hands of their advocates, clerks and writers, for pursuit and defence of processes, and upon other occasions: AND ALBEIT, upon the considerations foresaid, not only the citizens and inhabitants, but his Majesty and the whole kingdom are concerned, that the said Town be secured and preserved, as much as can be done by human providence, from hazard, and in special from the danger and destructions of fire and burnings; and, in order thereto, his Majesty's predecessors and Estates of Parliament from time to time did make several good and excellent laws and acts of parliament; and nevertheless the City is still obnoxious and subject to the hazard of burning; and the reason is obvious, and inherent in the very constitution and way of building of a great part of the same, and the front and fore-part of the most part of the houses, especially in the fore-street, being built altogether with timber, and the vennals and clossets being so narrow, and the houses so thick and joined together, and there being many families lodged in the several storeys of the respective tenements, so that when any house or storey of the same, and especially upon the high-street, doth by negligence or otherwise take fire, the whole tenement is in a short time destroyed; and the dry timber being ready fuel to the fire, it doth quickly increase, and is carried to and doth seize upon the neighbour adjoining tenements; as did appear diverse times, when the Town, within these few years, was visited and afflicted with great burnings, in diverse corners of the same, and most evidently in the late burning upon the 14th *April* last; at which time a fire having been in a low shop of a tenement in the fore-street, in the night-time, did in a very short time become so dreadful and furious, that it did quickly destroy, not only the said tenement, but seven other tenements, to the great loss and prejudice, not only of the heritors but the inhabitants within the same, being surprised in the night so suddenly and unexpectedly, that with great difficulty and hazard they were saved, and did escape with their wives and children, with the great and total loss of their goods and plenishing, and did threaten destruction to the whole Town by the great violence
and

and progress it had, if GOD in his mercy and goodness had not set bounds to the same, and a tenement entirely built with stone and lime had not made interruption. THEREFORE the said Lord Provost, Baillies, Council, and Deacons of Craft ordinary and extraordinary, together with the old Magistrates and the old Deacons of the said burgh, by these presents, STATUTE AND ORDAIN, That when any house or tenement are or shall be, at any time hereafter, ruinous or burnt in the roof or uppermost storeys thereof, or that a considerable part of the same shall happen to be ruinous or burnt, whether the same belong entirely to one heritor or more or diverse heritors, or when any house or tenement shall be built from the ground where there was no tenement formerly, within this burgh, *Leith, Canongate*, or suburbs, viz. *West-port, Potterrow* or *Pleasance*, the same shall be built in such a way as shall be most fit and suitable to the honour of the kingdom, and for the ornament and security of the City, and of the inhabitants thereof, and all others concerned. THAT IS TO SAY, That the front and fore-parts, and other parts of the same, shall be built altogether with stone and lime, and no part thereof, nor any fore-stairs of the same, shall be built with timber: And it is desired and expected, That the heritors of such houses as are built with timber may and will think it their interest and security, that when they think it convenient, and they shall have occasion to repair the same, that they be built with stone and lime. AND FURTHER, it is ORDAINED AND DECLARED, That hereafter the vennals and closses within the said burgh shall not, in any time coming, be obstructed or straitned with the putting out or building of any fore-stairs where was none before the date of thir presents, seeing the said vennals are narrow, and are the King's common ways and passages for the use of the lieges, and are not to be encroached upon by any fore-stair or structure promoted or brought out beyond the buildings upon either side; and where there hath been any fore-stairs formerly built, it is ORDAINED, for the preventing the hazard of fire, That where there is any occasion or necessity of repairing the same, the said fore-stairs shall be built and repaired with stone and lime, at least with plaister and tile, in the same manner and with the same extent as they had formerly, and no further: And in case any person or persons shall presume to contravene, or work or build contrary to the premisses, it is DECLARED, That the wrights and craftsmen that shall work or build otherwise than is above ordained shall be severely punished and censured, and what shall be wrought and built otherwise shall be demolished and taken down upon the charges of the contravener. AND FURTHER STATUTE AND ORDAIN, That no craftsman of this burgh, in any time coming, shall repair or build any houses or tenements of land within the bounds foresaid, without first they acquaint the Dean of Guild and his Council with the design of the said reparation or building, to the end that a visit may be made upon the ground of the said lands, that the heritors and others concerned may receive a warrant from the Dean of Guild and his Council to repair or rebuild conform to the tenor of this principal act in all points; certifying every mason, wright, or any other, that does in the contrary, that they shall be liable in the penalty of one hundred pound Scots money *toties quoties* they contravene thir presents, by and attour the punishment of their persons, at the discretion of the Magistrates. And the said Lord Provost, Baillies, Council, and Deacons of Crafts, ordinary and extraordinary, together with the old Magistrates and Council, by their representing the body and community of the said burgh, and for their particular interests, heritors within the said bounds, in sign and token of their consent and hearty acquiescence to this present act, have subscribed thir presents; consenting to the registration hereof in the books of Council and Session, Town-court or Council-books of *Edinburgh*, to remain

main therein *ad futuram rei memoriam*: And constitutes

our procurators. Subscribed
by us day and place and year of GOD above mentioned. *Sic subscribitur,*
James Currie Provost, *William Johnston* Baillie, *Ja. Justice* Baillie, *William Carmichael* Baillie, *David Swinton* Baillie, *Robert Baird* D. G. *James Sutherland*
Treasurer, *John Cuninghame*, *George Reid*, *John Smith*, *John Hall*, *George Drummond*,
Andrew Cheyne, *William White*, *Walter Borthwick*, *Thomas Robertson*,
Patrick Telfair, *David Boid*, *Cornelius Neilson*, *Thomas Broun*, *Thomas Campbell*,
James Broun, *David Hunter*, *John Calder*, *George Johnston*, *George Stirling*, *Alexander Reid*,
Patrick Clark, *Robert Newlands*, *Alexander Cowslane*, *Robert Mill*,
Alexander *Robert Elliot*, *John Corse*, *John Smith*, *John Hamilton*,
Thomas Somervel, *George Turnbull*, *Lawr. Edmiston*, *Francis Burlex*, *John Penman*,
John Johnston, *John Hamilton*, *James Abercromby*, *Thomas Fairholm*, *James Braden*,
William Stevenson, *James Graham*, *James Dick*, *John Watson*, *James Riddel*, *Thomas Kinkaid*,
Arthur Temple, *James Cleland*, *Walter Turnbull*, *Edward Clepian*,
John Somervel, *Thomas M^r Adam*, *James Park*, *R. P. James Jamieson*, *James*
Thomas Story, *Patrick* *William Stevenson*, *William Hepburn*, *William*
Reid.

Follows a Consent subscribed by the Heritors.

WE under subscribing heritors and others, concerned in the houses and tenements of lands within the City of *Edinburgh* and liberties thereof, taking to consideration, That the Council of the said burgh, with consent of the old Magistrates, and several neighbours of the same, hath upon just and convincing motives, and pregnant reasons, importing the public well, safety and security of *Edinburgh* and liberties thereof, STATUTE and ORDAINED, That no houses nor tenements of lands, which are or shall happen in any time coming to be ruinous or burnt in the roof or uppermost storey thereof, or wheresoever a considerable part is or hereafter shall happen to be burnt or ruinous, the same shall not be rebuilt but with stone and lime, as the said act within written, of the date the first *May* instant, subscribed by the said Council, old Magistrates, Councillors and Deacons, containing several other useful clauses and articles at length, bears; which act being read in our presence, and considered by us, We do hereby cheerfully and heartily approve of the same, in all the heads, articles, and points thereof, and INTERPONES our consent thereto, WITH THIS ADDITION, That whensoever the major part of the heritors of the houses, tenements of land within the bounds foresaid, which are already built with timber in the front and fore-part thereof, shall think it convenient to build it with stone and lime, in that case the rest of the heritors concerned in the saids houses and tenements shall be obliged to pay their proportion of the said building with stone and lime so to be made, and that according to their respective interests in the said tenements and houses: And in case the less or minor part of the heritors shall not condescend to pay their proportions of the said building with stone and lime as said is, then it shall be in the power of the major part of the heritors to petition the Council of *Edinburgh* to cause appretiate the value of the saids houses and tenements at the sight of fifteen sworn men to be appointed by them, that the same shall be paid to the less or minor part of the heritors, and their parts of the saids houses and tenements shall in all time thereafter belong properly and irredeemably to the said major part of the heritors; or that it shall be in the option of the said major part of the heritors, who repair or rebuild as said is, to uplift the rents belonging to the lesser part of the heritors, ay and while they be re-imburshed of their proportionable
part

part of the expence of the said building, according as the same shall be taxed and modified by the Dean of Guild and his Council, or by the Council of *Edinburgh*. AND DECLARES, That the major part of the heritors are not to be reckoned according to the number of the persons heritors, but according to their rents and interests in the said houses and tenements: And further CONSENTS, That in all debates and differences that shall hereafter fall out betwixt heritor and heritor, or betwixt heritor and neighbour, in the matter of building allenary, that the same shall be decided by the Dean of Guild and his Council, or by the Council of *Edinburgh*, and oblige ourselves to stand to their determination thereanent, without advocation or suspension AND ALSO DECLARES That we consent, that the foresaid act, together with thir presents, be ratified by the act of the Secret Council. IN WITNESS WHEREOF, we have subscribed thir presents with our hands, *Edinburgh* the fourth day of *May* One thousand six hundred and seventy four years; and therefore humbly supplicating that his Majesty's Privy Council might approve of the supplicants procedure in passing the said act, and interponing their authority thereto.

THE LORDS of his Majesty's Privy Council having heard and considered the said petition and act of the Town-council above-mentioned, DO APPROVE AND ACCEPT of the saids Magistrates of *Edinburgh* their care and diligence in passing the said act, wherein they have given evidence of their special care and zeal for the safety and security of the said burgh of *Edinburgh*, for which they return the said Magistrates their hearty thanks, and hereby INTERPONE their authority to the said act, and ratify and approve the same in the haill heads, articles and clauses thereof, AND ORDAIN the said act to be put in execution, conform to the tenor of the sament, and to be observed and obeyed by all persons concerned. Extracted by me, *Al. Gibson* Cls. Sti. Concilii. Extracted forth of the records of the Town-council of *Edinburgh* by me

GEORGE HOME.